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DEPARTMENT OF SOCIAL SERVICES
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February 3, 2019

ALL COUNTY LETTER (ACL) 19-10

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH PROGRAM SPECIALISTS
ALL CaWORKs PROGRAM SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL QUALITY CONTROL PROGRAM COORDINATORS

SUBJECT: CALFRESH RECERTIFICATION DELAYED PROCESSING

REFERENCES: [TITLE 7 CODE OF FEDERAL REGULATIONS \(CFR\) 273.14\(e\)\(1\)\(2\)\(3\), 273.10\(a\)\(2\)\(c\)\(1\)\(ii\); 273.2\(h\)\(1\); MANUAL OF POLICIES AND PROCEDURES \(MPP\) SECTION 63-504.61\(e\), 63-300.46; 63-504.23, RECERTIFICATION FOR CALFRESH BENEFITS APPLICATION \(CF 37\); CALFRESH NOTICE OF MISSED INTERVIEW \(CF 386\); NOTICE OF EXPIRATION OF CERTIFICATION \(CF 377.2\); SNAP RECERTIFICATION TOOLKIT](#)

The purpose of this letter is to provide County Welfare Departments (CWDs) with guidance regarding delayed processing of a CalFresh application for recertification. An application for recertification is considered delayed any time it is processed outside of the normal timeline, which means the recertification process was not completed by the end of the final month of the certification period.

When an application for recertification is processed outside of the normal timeline, delayed processing is applied to the case. If delayed processing is applied and the recertification process is completed, benefits are either prorated or a full allotment of benefits is provided, depending on the cause of the delay.

An application for recertification may be delayed when submitted timely or untimely by the client, depending on the circumstances. The CWDs should consider any application for recertification submitted on or before the 15th day of the final month of the certification period timely. Any application for recertification submitted after the 15th day

of the final month of the certification period shall be considered untimely.

A number of circumstances may cause a timely or untimely application for recertification to be delayed past the last day of the final month in the certification period, or potentially delayed into the 30 days following the final month of the certification period. When these circumstances occur, CWDs shall process timely and untimely applications for recertification using the guidance provided in this letter.

Background

The California Department of Social Services (CDSS) is aware the CalFresh Manual of Policy and Procedures (MPP) Section 63-504.61(e), pertaining to delayed processing of timely and untimely applications for recertification, requires modification to align with federal regulations found at 7 CFR 273.14(e). The MPP will be corrected as soon as administratively possible; in the interim, CWDs shall comply with the delayed processing guidance provided in this letter.

As a reminder, a CalFresh recertification determines a household's eligibility for CalFresh benefits, much like an initial certification for CalFresh benefits. For all applications for recertification, including those processed outside of the normal timeline, the household's eligibility shall be determined based on household composition at the time of the recertification interview and the last 30 days of income.

CalFresh Delayed Processing of Applications for Recertification

The following instructions are intended to guide CWDs in processing delayed applications for recertification, depending on the cause of the delay. Delays are categorized as follows: (1) CWD-caused delays, (2) client-caused delays, and (3) client and CWD-caused delays.

The cause of any delay in processing an application for recertification shall be determined under 7 CFR 273.2(h)(1) and benefits must be provided accordingly. In general, if the delay is caused by the household, benefits are prorated from the date of compliance, if the delay is CWD-caused, benefits are provided for the full month.

I. CWD-Caused Delay

A CWD-caused delay refers to any time an application for recertification is processed outside of the normal timeline due to a delay in processing caused by the CWD.

If a household files a timely application for recertification before the end of the certification period (i.e., before the 15th day), but the recertification process cannot be completed within the final month of the certification period because of a CWD-caused delay, the CWD must continue to process the case and provide a full month's benefit allotment for the first month of the new certification period as soon as administratively possible.

II. Client-Caused Delay

A client-caused delay refers to any time an application for recertification is processed outside of the normal timeline because of a delay caused by the client.

If a household files an application for recertification before the end of the certification period, but the recertification process cannot be completed within the final month of the certification period because of a client-caused delay, the CWD shall deny the application at the end of the certification period; this applies to an application for recertification that was filed timely or untimely. After the CWD denies the application, the household has up to 30 days after the end of the certification period to complete the recertification process and have its application treated as an application for recertification.

If the household takes the required action after the end of the certification period, but within the 30 days following the last month of the certification period, the CWD shall withdraw the denial and provide prorated benefits, as soon as administratively possible, retroactive to the date the client took the required action and completed the recertification process.

III. Client and CWD-Caused Delay

A client and CWD-caused delay refer to any time an application for recertification is processed outside of the normal timeline because of a delay, or delays, caused by the client and the CWD.

If a household files an application for recertification within the 30 days following the last month of the certification period, the application shall be considered an application for recertification; however, benefits must be prorated based on when the application for recertification is received.

If the application for recertification is then delayed further, beyond the first month of what would have been the household's new certification period through the fault of the CWD, this is considered the CWD-caused delay.

The household's benefits for the new certification period shall be prorated based on the date the application for recertification was received. The CWD shall then provide restored benefits to the household back to the date the household's certification period should have begun had the CWD not erred.

Application for Recertification Received More Than 30 Days Following the End of the Certification Period

When an application for recertification is received more than 30 days following the end of the last month of the certification period this is considered a client-caused delay and delayed processing is not permitted. However, if a complete application for recertification, such as the CF 37, is submitted more than 30 days following the end of

the certification period, the CWD shall process the CF 37 as a new application for CalFresh benefits, not as an application for recertification. The CWD shall not require the client to submit an additional new application for CalFresh.

Denying an Application for Recertification

As a reminder, when a complete application for recertification is received and the household is denied eligibility at recertification, a denial notice must be sent. Further, the Notice of Expiration of Certification form (NEC CF 377.2) does not satisfy the requirement for denying an application for recertification. The NEC form, alone, is only sufficient when an application for recertification is never submitted.

CalFresh Notice of Missed Interview (NOMI) Form at Recertification

When a household misses their initial recertification interview appointment, the CWD will send the household a NOMI (CF 386), per MPP 63-300.46. When this occurs, the NOMI shall be dated to reflect the end of the current certification period, even when the certification end date falls on a weekend or a holiday. The NOMI is not a Notice of Action, and the certification end date used to populate the NOMI reiterates the same date the household was notified of upon receipt of the Notice of Expiration of Certification form (CF 377.2).

CalFresh Recertification Delayed Processing Example Scenarios

To assist CWDs in processing delayed applications for recertification, delayed processing scenarios will be posted to the [CalFresh Resource Center](#), under "Policy Guidance." Each example scenario is intended only to be used as a reference tool to aid CWDs in determining case outcomes when delayed processing is relevant. All the scenarios will be guided by the instructions outlined in this letter.

This ACL, and other [CDSS Letters and Notices](#), are available online at: <http://www.cdss.ca.gov/inforesources/Letters-and-Notices>.

If you have any questions regarding this letter, please contact the CalFresh Policy Bureau at (916) 651-8047.

Sincerely,

Original Document Signed By:

KIM JOHNSON
Deputy Director
Family Engagement and Empowerment Division